

ACCOUNTABILITY & TRANSPARENCY PROVISIONS – THE AMERICAN RECOVERY AND REINVESTMENT ACT

H.R. 1 TITLE XV

Certifications (Title XV, Section 1511)

- (1) With regards to all funds received by state or local governments for infrastructure investments, the bill requires the certification of the governor or other chief executive that each project has been properly vetted.
- (2) This certification must include a description of the investment, estimated total cost, and the amount of this Act's funds used, and must be posted on a website and linked to the website established in Section 1526 (www.recovery.gov, described below).

Reporting Requirements (Title XV, Section 1512)

- (1) With regards to all infrastructure grants, loans, and contracts of this bill, requires all agency (not individual) recipients of recovery funds from a federal agency to report within 180 days of enactment (and quarterly thereafter) regarding the following:
 - Total amount of recovery funds received from the agency
 - Amount of funds expended or obligated to projects
 - A detailed list of all projects for which recovery funds were expended, including:
 1. The name and description of the project
 2. An evaluation of the completion status of the project
 3. An analysis of the number of jobs created or retained by the project
 4. The purpose, rationale, total cost and a point of contact for the investment
 5. Detailed information on any subcontracts or subgrants, including data elements required by Federal Funding Accountability and Transparency Act of 2006 (FFATA)
- (2) Federal agencies shall provide user-friendly means for recipients to submit information and are to then make the reports publicly available on a website.
- (3) Within 45 days of report submission, the CBO and GAO must comment on the creation or retention of jobs described in each report.

The Council of Economic Advisors and Inspectors General (Title XV, Sections 1513-1515, 1527)

- (1) Requires quarterly reports from the Council of Economic Advisors, gives inspectors general the authority to access contractor and state/local agencies records and personnel in order to review complaints, and affirms the independent status of the inspectors general.

Establishment of the Recovery Accountability and Transparency Board (Title XV, Sections 1521-1526, 1528, 1530)

- (1) Establishes a Recovery Accountability and Transparency Board principally made up of inspectors general from the various federal departments. The Board is to coordinate with the comptroller general of the United States and state auditors to conduct oversight of federal spending under the Act "to prevent fraud, waste, and abuse."
- (2) Some of the Board's specific functions include:
 - reviewing contracts and grants to see if they meet applicable standards
 - holding public hearings, conduct audits, and issue subpoenas on any federal or non-federal personnel involved as part of its investigations

- keeping Congress and the President apprised of problems that need immediate attention via “flash reports”
 - establishing a user-friendly, public-facing website (www.recovery.gov) to serve as a portal for materials explaining the Act, provide detailed data on all contracts awarded, announce the opening of grant competitions, and solicit feedback from the public
- (3) Title V of the bill indicates that the Board shall be allocated \$84 million, to remain available until September 30, 2011.
- (4) The Board shall terminate on September 30, 2013.

Establishment of the Recovery Independent Advisory Panel (Title XV, Sections 1541-1546)

- (1) Establishes a Recovery Independent Advisory Panel composed of 5 members appointed by the President tasked with making recommendations to the Board “on actions the Board could take to prevent fraud, waste, and abuse relating to covered funds.”
- (2) The Panel shall terminate on September 30, 2013.

Additional Requirements (Title XV, Section 1551-1554)

- **Separate Treasury accounts** – The Act provides authority to the Treasury to establish all funds in separate Treasury accounts.
- **Help to state and local governments with data collection requirements** - Federal agencies may adjust administrative expenditure limits to help award recipients with data collection requirements of the Act.
- **Whistleblower provisions** – Projects funded by this act through contract, grant or other payments would have the benefit of federal whistleblower protections, without negating protection provided to workers under state whistleblower laws.
- **Competitive grants** – “To the maximum extent possible, contracts funded under this Act shall be awarded as fixed-price contracts through the use of competitive procedures. A summary of any contract awarded with such funds that is not fixed-price and not awarded using competitive procedures shall be posted in a special section of the website established in section 1526.”